

Mark Bina

he/him

PARTNER

Chicago Office Managing Partner

Chicago | Washington, D.C.

t. (312) 715-5051

mark.bina@quarles.com



About Mark

Strategic advice and creative problem solving

Mark Bina is an experienced legal counselor and litigator who represents clients in multiple industries, with a focus on health care providers. Representing a full range of health care providers and other businesses, Mark helps clients navigate:

- **Disputes, investigations and litigation**—especially defending health providers against and appealing administrative enforcement actions
- **Health care regulatory and business issues** as outside general counsel
- **Business litigation, dispute resolution and risk management**

Clients turn to Mark as a steady hand who is both diplomatic and creative in navigating complex regulatory issues and litigation. They know he works to solve not only today's challenges, but to see "around the corner" and help them avoid future problems, too.

Mark previously served as the executive director of the Indiana Board of Pharmacy and later as an assistant attorney general with the Illinois Attorney General's Office.

Mark is co-chair of the Health Care Litigation and Clinical Laboratory team.

Experience in Action

- **Serving as national regulatory and litigation counsel to a variety of health care providers** in disciplinary and regulatory matters,

Education and Honors

University of Illinois Chicago
School of Law (J.D., 2006)

- John Marshall Law Review
(Staff Editor)

Indiana University
Bloomington (B.A., *with distinction*, 2000)

- Major: Political Science

Bar Admissions

Illinois

District of Columbia

Court Admissions

U.S. Court of Appeals, 7th
Circuit

U.S. District Court, District
of Columbia

U.S. District Court, Northern
District of Illinois

U.S. District Court, Central
District of Illinois

U.S. District Court, Southern
District of Illinois

U.S. District Court, Northern
District of Indiana

U.S. Supreme Court





appeals of agency decisions, professional licensing matters, fraud and abuse issues, and various business disputes.

U.S. District Court, Northern District of Texas

- **Helping clients respond to governmental investigations and subpoenas** from local, state and federal regulators.
- **Representing clients before state and federal trial and appellate courts, in mediations and arbitrations**, and before administrative boards, administrative law judges, and state and federal agencies across the country.
- **Challenging unconstitutional laws and regulations under state and federal versions of the Administrative Procedure Act (APA)** and appealing unfavorable administrative decisions on judicial review.
- **Managing the day-to-day legal operations of health care providers** as outside general counsel.

Successes

- Served as lead litigation counsel on multi-year and multi-forum challenge of state's Medicaid reimbursement rates for pharmacies; successfully obtained over \$60 million retroactive payment for state's pharmacies participating in Medicaid, plus higher prospective rates and award of attorneys fees for clients.
- Appointed by City of Chicago to serve as General Counsel and Chief Legal Officer of the region's 3,000-bed Alternative Care Facility at McCormick Place managing the day-to-day legal, regulatory and compliance duties along with local, state and federal authorities during the City's COVID-19 pandemic emergency public health response.
- Persuaded state pharmacy board to renew several wrongfully rejected licenses after filing complaint and motion for TRO on state administrative law, due process and Dormant Commerce Clause claims. The matter was promptly resolved without judicial intervention once the state reviewed the briefing.
- Managed internal investigation and document production for federal Medicare fraud *qui tam* subpoena resulting in the government declining to intervene and the relator voluntarily dismissing all fraud claims with prejudice.
- Successfully defeated emergency motion for TRO and preliminary injunction filed by pharmacy in federal court against PBM on pharmacy network access issue and obtained dismissal with prejudice — affirmed by 7th Circuit Court of Appeals.
- Dismissed state's petition to enforce subpoenas against pharmacy seeking privileged patient safety work product under Patient Safety and Quality Improvement Act of 2005 (PSQIA)—affirmed on appeal.





Capabilities

Litigation & Dispute Resolution

Appellate

Health Litigation

Health & Life Sciences

Hospitals and Health Systems

Long-Term Care and Senior Housing

Pharmacy, Drug and Device

Provider and Physician Groups

Government and Internal Investigations, Litigation, and Fraud, Waste and Abuse Compliance

Health Information Technology, Privacy and Security

Data Privacy & Security

Securities Litigation and Enforcement

Professional Recognitions

- *Illinois Super Lawyers*,[®] (2020-2023: Healthcare)
- *Illinois Super Lawyers*[®] "Rising Stars" (2014-2017: Healthcare)
- Award for Excellence in Pro Bono Service - awarded by the U.S. District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association (2013)

Professional & Civic Activities

- Pro Bono Coordinator for Quarles & Brady Chicago Office (2018-2019)
- American Health Lawyer Association (AHLA) Healthcare Liability and Litigation Practice Group's 2015-2016 Leadership Development Program, member
- Hearing Board of the Illinois Attorney Registration and Disciplinary Commission, member (2012-2022)
- Healthcare Litigation Team, co-chair
- Federal Bar Association, member
- Illinois State Bar Association, member
- Chicago Bar Association, member
- American Bar Association - Section of Litigation, member
- American Health Law Association, member
- American Society for Pharmacy Law, member
- Illinois Association of Health Care Attorneys, member
- The Economic Club of Chicago, member





-
- Illinois Homecare Council, associate member
 - Illinois Health Care Association, associate member
 - Chicago Volunteer Legal Services, CVLS - former director, board of directors
 - Judicial Evaluation Committee for the Chicago Bar Association, former member, Investigation & Hearings division
 - City of Highland Park Zoning Board of Appeals, former member
 - Illinois Attorney General's Office, assistant attorney general
 - Indiana Board of Pharmacy, executive director

